

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services –Case under the P.C Act.,1988 against Dr.B.Narasanna, Medical Officer, Ayurvedic Dispensary (Retd), Municipal Corporation, Kurnool – Acquitted by the Special Judge for trail of ACB cases at Kurnool in C.C.No. 40/2013 – Further action dropped – Orders – Issued.

G.O.RT.No. 278

Date:24-04-2015

Read the following:

- 1.From the D.G.,A.C.B., AP. Hyd Lr. No.21/RCT-KUR/08, Dt:09.06.2009
2. Govt. Memo No.15601/VIG.IV.2/2008-3,Dt.07.04.2010
- 3.G.O.Rt.No.575, MA&UD(VIG.IV.2) Dept. dated 16.05.2011
- 4.From the D.G.,A.C.B., AP. Hyd Lr. No.21/RCT-KUR/08-S6, Dt:12.11.2014 together with a copy of judgment dt.10.10.2014 delivered by Hon'ble Special Judge for trail of ACB cases in Rayalaseema Region at Kurnool in C.C.No. 40/2013.
- 5.Representation dt 05.12.2014 of Dr.B.Narasanna, Medical Officer, Ayurvedic Dispensary (Retd), Municipal Corporation, Kurnool.

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ORDER:

In the reference 2nd read above, Government have accorded sanction to prosecute the A.O. Dr.B.Narasanna, Medical Officer, Ayurvedic Dispensary (Retd), Municipal Corporation, Kurnool in the court of Law based on the final report furnished by the D.G.,ACB,AP., Hyd in the reference 1st read above, as the AO was trapped by the A.C.B. on 16.9.2008, when he demanded and accepted a bribe of Rs.2000/- from a Complainant, for doing official favour of issuing 'Age Certificates' required to get Old Age Pension to the Complainant and 49 others. The A.O. has retired from service on 31.10.2008.

2. In the reference 3rd read above, orders were issued imposing a penalty of 15% cut in his monthly pension for a period of (5) years in departmental action i.e failure to submit APRs, duly following the procedure.

3. In the reference 4th read above, the Director General, ACB, AP., Hyd has informed that the Special Judge for Trail of ACB cases in Rayalaseema Region at Kurnool, pronounced judgment in CC.No. 40/2013 on 10.10.2014 acquitting the Accused Officer, Dr.B.Narasanna, Medical Officer, Ayurvedic Dispensary and Incharge of Allopatathic Dispensary of Municipal Corporation, Kurnool (now retired) under section 248 (1) Cr. P.C and was found not guilty of the charges for the offence under section 7, 13(1)(d) r/w 13(2) of he P.C. Act, 1988 and is acquitted under section 248 (1) Cr. P.C., on the grounds that the Prosecution failed to prove guilt of the accused beyond reasonable doubt. The Bureau is of the opinion that this is a fit case to prefer an appeal in the A.P. High Court against the acquittal Judgment in CC.No. 40/2013 of the Special Judge for Trail of ACB cases in Rayalaseema Region at Kurnool.

4. The D.G, ACB, AP., Hyd has requested the Government to issue necessary orders in the matter.

5. The Special Judge for Trail of ACB cases in Rayalaseema Region at Kurnool in C.C.No. 40/2013 has disposed of the case as follows vide its order date 10.10.2014:

"Case was registered at Kurnool on 16.09.2008 at 6.00 a.m, as per endorsement of investigating officer on the complaint. Court was at Hyderabad then. Public transport taken maximum five hours to cover this distance. So F.I.R., could reach the Court at 3 or 4 p.m, on the same day, but it reached Court, as per endorsement of the Judge thereon, on the next day at 7-00 a.m. so there was a delay of about 28 hours in submitting F.I.R., to Court. Neither investigating Officer nor Learned Spl. Public Prosecutor has given any explanation for it. So this unexplained delay also suffers the case.

"Prosecution relied on evidence of mediator and investigating officers. They supported prosecution. But howsoever strong, their evidence be, it is not sufficient, when case of prosecution suffered with all these inconsistencies and lacunas.

"For all these reasons I held that prosecution failed to prove guilt of accused beyond reasonable doubt and found him not guilty and acquit him U/ Sec. 248 (1) Cr.P.C., for offences punishable U/Secs. 7 and 13(1)(d) r/w 13(2) of P.C. Act, 1988. Ball bonds of the accused officer shall be in force in terms of Sec. 437-A of Cr.P.C., and sureties shall be discharged. Return M.O.10 to P.W.1, if not already returned or else to the A.C.B. Destroy other material objects after appeal time is over."

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6. In the reference 4th cited, Dr.B.Narasanna, Medical Officer, Ayurvedic Dispensary (Retd), Municipal Corporation, Kurnool has submitted a representation before the Government stating that he was retired from service in the year 2008 and he is unable to survive his family with the provisional pension and requested to consider his case on humanitarian grounds and drop further action against him and to release pensionary benefits etc.

7. Government after careful examination of the matter, consider that there are no grounds to assail the matter before Hon'ble High Court against the Judgment of the Court of Spl. Judge for ACB Cases, Kurnool and therefore decided to drop further action against Dr.B.Narasanna, Medical Officer, Ayurvedic Dispensary and Incharge, Allopatathic Dispensary of Municipal Corporation, Kurnool (now retired). Accordingly, Government hereby drop further action against Dr.B.Narasanna, Medical Officer, Ayurvedic Dispensary and Incharge of Allopatathic Dispensary of Municipal Corporation, Kurnool (now retired), in view of his acquittal by the Hon'ble Spl. Judge for ACB Cases, Kurnool vide its order dt. 10.10.2014 in C.C. No.40/2013.

8. The Director General, Anti Corruption Bureau, AP., Hyd / the Commissioner & Director of Municipal Administration, AP., Hyderabad shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.JAYA LAKSHMI
SECRETARY TO GOVERNMENT

To:

The Director General, Anti Corruption Bureau, AP., Hyd
The Commissioner & Director of Municipal Administration, AP., Hyd
The individual through C&DMA, AP., Hyd

Copy to:

The Secretary to, APVC, Hyderabad
The Commissioner, Kurnool Municipal Corporation
The Prl. Accountant General, (A&E), AP., Hyderabad.
Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER